Guidance for Airport Land Use Compatibility Planning

INTRODUCTION

This *California Airport Land Use Planning Handbook* is published by the California Department of Transportation Division of Aeronautics. Its purpose is to support and amplify the article of the State Aeronautics Act (California Public Utilities Code, Section 21670 et seq.) which establishes statewide requirements for the conduct of airport land use compatibility planning. The *Handbook* provides compatibility planning guidance to airport land use commissions (ALUCs), their staffs and consultants, the counties and cities having jurisdiction over airport area land uses, and airport proprietors.

This volume represents the third edition of the *Handbook*. Although similar in overall organization to the previous edition published in 1993, this 2002 edition has been thoroughly revised. New material is presented on a variety of subjects. Most important, though, is a change in the overall tone of the document. The 1993 *Handbook* emphasized the concepts and processes involved in airport land use compatibility planning. The views expressed were characterized as only "suggestions and recommendations." Moreover, those views—while consistent with those of the Division of Aeronautics—were primarily the consultant's.

The status of the *Handbook* changed in 1994, however. Legislation passed in that year established a requirement that airport land use commissions "shall be guided by information" in the *Handbook* (or any future updates) when formulating, adopting, or amending an airport land use compatibility plan. Consequently, this 2002 edition is much more definitive in the guidance it provides and this guidance is expressly that of the Division of Aeronautics. *However, despite the statutory references to it, the* Handbook *does not constitute formal state policy or regulation.*

This summary section provides guidance on a variety of key issues and indicates the locations in the document where additional discussion can be found. Other guidance is contained in various checklists, tables, and figures

DEPT. OF TRANSPORTATION GUIDANCE
Throughout this document, Division of Aeronautics guidance deserving of special emphasis is indicated in sidebars marked with the California Department of Transportation logo as shown here.

located elsewhere in the document. These latter features have been added in order to make the *Handbook* more readily usable by all of its audiences.

One final introductory note of importance is to acknowledge the role of the Handbook Advisory Committee in preparation of this edition of the *Handbook*. Over the duration of the project, the committee met in Sacramento on numerous occasions. Committee members discussed the many major issues associated with airport land use compatibility planning and also reviewed and commented on drafts of this document. Their participation has been invaluable and greatly appreciated.

DOCUMENT ORGANIZATION

Following this summary section, the *Handbook* contents are organized into three parts:

- **Part I: ALUC Procedures and Plans**—This part begins with an examination of how airport land use commissions are structured and function. General factors to be considered and specific guidance to be followed in preparing airport land use compatibility plans and in formulating compatibility policies are discussed in the next two chapters. Chapter 4 outlines the process which ALUCs should follow in reviewing individual land use proposals. The final chapter in Part I addresses the important responsibilities which local agencies have in promoting airport land use compatibility. All of the chapters include extensive references to the applicable sections of state law.
- **Part II: Airport Land Use Compatibility Issues**—The four chapters in Part II provide detailed assessments of the noise and safety components of airport land use compatibility planning. Chapters 6 and 8 contain background data and other information regarding measurement of noise and the characteristics of aircraft accidents. Chapters 7 and 9 focus on development of noise and safety compatibility policies. After describing existing policy foundations and basic compatibility concepts, specific guidance is offered on establishment of appropriate noise and safety compatibility criteria.
- **Part III: Appendices**—The appendices contain various supporting and reference materials. Copies of state statutes are included, as is a glossary of airport land use compatibility planning terms. Also in the appendices are sample implementation documents for use by ALUCs and affected local jurisdictions.

GENERAL GUIDANCE

For further details, refer to the following statutes and pages of this *Handbook*:

Use of this *Handbook*

➤ **How should the "be guided by" requirement of the Aeronautics Act be interpreted?**

To be guided by this *Handbook* in the preparation or modification of airport land use compatibility plans, ALUCs must at least have examined and duly considered the material contained herein. Furthermore, the burden is presumed to be on ALUCs to demonstrate their reasons for deviating greatly from the guidance which this *Handbook* provides. These requirements notwithstanding, ALUCs have a significant degree of flexibility to make planning decisions as they deem appropriate for the airports within their jurisdictions. The *Handbook* is not regulatory in nature and does not take precedence over locally adopted compatibility plans. When in doubt regarding the *Handbook* guidance, ALUCs are encouraged to contact Division of Aeronautics staff directly. Also, where interpretation of the law is involved, ALUCs should consult with their own legal counsel.

Public Utilities Code (PUC), Section 21674.7

➤ **Are ALUCs required to modify their compatibility plans to reflect the guidance provided by this Handbook?**

ALUCs are not required to amend their compatibility plans in response to this *Handbook*. Nevertheless, ALUCs are encouraged to review and, when appropriate, to update their compatibility plans at least every five years and publication of this *Handbook* is a good justification for doing so. More frequent reviews may be appropriate for airports or communities where conditions are changing rapidly (amendments can be made no more than once per calendar year, however).

PUC Section 21675(a)

➤ **What is the role of the Handbook with respect to preparation of environmental documents under the California Environmental Quality Act (CEQA)?**

Legislation passed in 1994 requires that, when preparing an environmental impact report for any project situated within an airport influence area as defined in an ALUC compatibility plan (or, if a compatibility plan has not been adopted, within two nautical miles of a public-use airport), lead agencies shall utilize the *Handbook* as a technical resource with respect to airport noise and safety compatibility issues.

Public Resources Code, Section 21096

Formation of ALUCs

➤ **Are all counties required to have an ALUC?**

With limited exceptions, yes, although different formats are available. For example, a board or commission established for another purpose can be designated as the ALUC. The principal exceptions to formation of an ALUC require a county either to declare that it has no airport "noise, public safety, or land use issues" or to establish what is referred to as the "alternative process."

PUC Sections 21670(b), 21670.1(a), 21670.1(c)
Page 1-4

For further details, refer to the following statutes and pages of this *Handbook*:

➤ **How can the alternative process be established?**

PUC Section 21670.1(c)
Pages 1-8, 5-13

The specific requirements are set forth in the statutes. The Division of Aeronautics has the responsibility for reviewing and approving the particular methods which a county and each affected city in the county decide upon. Of particular importance are the methods to be used to implement the airport land use compatibility planning objectives of the law. The alternative process does not eliminate the requirements for counties and cities to engage in compatibility planning, it only eliminates the requirement to have an ALUC.

➤ **What are the basic duties of an ALUC?**

PUC Sections 21674(c), 21674(d), 21675(a)
Page 1-2

ALUCs have two specific duties:

- Preparation and adoption of airport land use compatibility plans; and
- Review of certain local agency land use actions and airport plans for consistency with the compatibility plan.

GUIDANCE FOR AIRPORT LAND USE COMMISSIONS

Procedural Matters

➤ **What happens when the terms of office for ALUC members expire?**

Page 1-14

The practice on many ALUCs is for members to continue to serve past the date when their terms expire. If this is the intent of the appointing body, it should be so stated when the appointment is made. Members should otherwise not continue to serve beyond the end of their terms. Doing so could call into question any decisions rendered by the commission during this period. It is therefore essential for the bodies responsible for appointment of members to the ALUC to fill any vacancies as quickly as possible.

➤ **Are ALUC members required to appoint proxies?**

PUC Section 21670(d)
Page 1-15

On standard, single-purpose ALUCs, each member is required to appoint a proxy. The law does not say whether this requirement extends to members of designated bodies which function as an ALUC.

➤ **What constitutes a conflict of interest by an ALUC member?**

Page 1-15

As with members of most public boards or commissions, an ALUC member who has a personal financial interest in an action under consideration by the commission is generally deemed to have a conflict of interest and should not participate as an ALUC member in the debate or decision making regarding that action. A legal conflict of interest does not result when an ALUC member also serves on another body which may also have responsibilities to act on a land use plan or development proposal.

Preparation and Adoption of Compatibility Plans

➤ **For which airports should compatibility plans be adopted?**

PUC Sections 21675(a), 21675(b)
Pages 2-4, 3-32

ALUCs are required to adopt a compatibility plan for each public-use airport in their jurisdiction. In instances where an airport's influence area

crosses county boundaries, each ALUC should adopt a compatibility plan for its respective portion (alternatively, a separate intercounty ALUC can be set up with membership from each jurisdiction). Additionally, ALUCs have the option of adopting compatibility plans for military airfields and special-use airports and heliports (such as those at hospitals). A separate plan can be prepared for each airport in the ALUC's jurisdiction or multiple airport plans may be combined into a single countywide document.

For further details, refer to the following statutes and pages of this *Handbook*:

➤ **How does a compatibility plan relate to the master plan for the same airport?**

If a long-range master plan has been adopted by the airport proprietor, the compatibility plan must "be based on" that plan. This requirement means that the compatibility plan must be consistent with the expectations of the airport proprietor with respect to the future development and use of the airport. The compatibility plan should explicitly indicate the version of the master plan upon which it is based.

PUC Section 21675(a)
Page 2-5

➤ **What should be done if a master plan does not exist or is not current?**

In these circumstances, a current airport layout plan drawing can be used. ALUCs must obtain written approval from The Division of Aeronautics to use an airport layout plan for compatibility planning purposes. (Any ALUC which has used a layout plan as the basis for a compatibility plan without Division of Aeronautics approval is encouraged to obtain the approval and then readopt the plan for that airport.) If an official airport layout plan also does not exist or is not current, ALUCs may first need to prepare at least a simplified diagram of the existing airport configuration. No future improvements not formally adopted by the airport proprietor should be shown on this layout diagram.

PUC Section 21675(a)
Page 2-6

➤ **What time frame should a compatibility plan cover?**

A compatibility plan *must* have a planning horizon of at least 20 years, but *should* take a longer time perspective to the extent practical. This time frame often means that the forecasts indicated in an adopted master plan must be extended farther into the future. Any assumptions which ALUCs make regarding the future aircraft activity at an airport must be consistent with the role of the airport as identified in the master plan adopted by the airport proprietor. For busy airports in metropolitan areas, basing the compatibility plan on the airport capacity may be an appropriate assumption.

PUC Section 21675(a)
Pages 2-8, 7-18

➤ **What are the essential elements of a compatibility plan?**

Compatibility plans should:

- Clearly indicate the scope of the plan, geographically and in terms of authority and purpose;
- Describe information about the airport and airport plans which provide the basis for the compatibility plan;
- List compatibility policies and criteria;
- Include appropriate maps of the airport compatibility zones;
- Indicate the procedures to be used in conducting compatibility reviews; and

Checklist of Essential Elements: Table 2A, page 2-13
Checklist of Optional Elements: Table 2B, page 2-15

For further details, refer to the following statutes and pages of this *Handbook*:

- Provide an initial assessment of the consistency between general plans and other applicable ordinances and regulations adopted by counties and cities and the policies set forth in the compatibility plan.

Other information may be included on an optional basis.

➤ **Must ALUCs involve local jurisdictions in establishment of compatibility plan boundaries?**

PUC Section 21675(c)
Page 2-11

Before adopting new or revised planning area boundaries, ALUCs must consult with affected jurisdictions. Meetings with the staff of these jurisdictions may be insufficient to fulfill this requirement. Caution suggests that ALUCs afford elected officials of those jurisdictions the opportunity to meet jointly with the commission to discuss planning boundaries and other compatibility issues. This process need not be separate from actions necessary to adopt the compatibility plan itself. However, the intent to adopt new or revised planning boundaries should be specifically identified in public hearing notices and plan adoption resolutions.

➤ **What type of environmental document is required in conjunction with adoption or amendment of a compatibility plan?**

Page 2-16

Depending upon the circumstances, ALUCs have used a variety of different options to meet the requirements of the California Environmental Quality Act (CEQA). Legal opinion diverges greatly as to which option should be used and there is currently little case law. ALUCs are therefore strongly encouraged to consult their respective legal counsel when considering which CEQA action to take when adopting or amending compatibility plans.

➤ **What public notice is required with respect to adoption or amendment of a compatibility plan?**

PUC Section 21675.2(d)
Page 2-18

ALUCs should follow the same notice procedures as are applicable to adoption or amendment of general plans and specific plans.

Formulating Airport Land Use Compatibility Policies

➤ **What types of concerns should compatibility plans address?**

Page 3-1

Noise and safety are the two fundamental compatibility concerns identified in the statutes. In addressing noise concerns, consideration should also be given to the impacts of aircraft overflights in locations beyond the normally mapped noise contours. Safety compatibility policies should address both protection of people and property on the ground near airports and protection of airport airspace from obstructions and other hazards to flight.

➤ **How should compatibility policies for a particular airport be determined?**

Pages 3-2 through 3-8

Appropriate compatibility policies differ from airport to airport and community to community. No single solution is universally applicable. Nevertheless, common objectives and strategies can be identified, as can the factors which should be considered when setting airport-specific policies. These are outlined in the beginning of Chapter 3.

➤ **Do basic compatibility policy guidelines exist?**

Guidelines regarding establishment of airport noise and safety compatibility policies are provided in Chapters 7 and 9, respectively. A summary of suggested criteria is presented in Table S-1 of this summary section. Two points should be emphasized about this listing of guidelines:

- The criteria are written in general, qualitative (not precise, quantitative) terms. In effect, they are a criteria checklist rather than actual, airport-specific criteria. For use in a compatibility plan, the criteria need to be more fully defined to suit local circumstances. Also, the boundaries of the zones within which each criterion applies must be delineated with respect to the conditions at a specific airport.
- Secondly, even in their general form, these criteria provide only basic guidance—a starting point for the detailed analyses and examination of issues essential to creation of individual airport land use compatibility plans. *These criteria are not intended to be treated as state-mandated standards.*

For further details, refer to the following statutes and pages of this *Handbook*:

Suggested Compatibility Criteria: Table S-1, page Summary-8
Chapters 7, 9

➤ **How should compatibility policies be structured?**

Compatibility policies consist of two basic components: a set of criteria indicating the compatibility or incompatibility of various categories of land uses; and a map or maps showing where within the airport environs the criteria apply. Especially with respect to safety policies, formulation of criteria must be closely coordinated with delineation of compatibility zones. Beyond these basic requirements, several options are acceptable. For example, noise and safety compatibility criteria can be combined into one composite set of criteria and the compatibility maps drawn accordingly. Also, land uses can be categorized using a detailed list of land use types or by defining more functional or performance-oriented characteristics (such as people per acre as a basis for evaluating safety compatibility of nonresidential uses).

Pages 3-8 through 3-14

➤ **Should existing land uses be considered when establishing compatibility policies?**

ALUCs have no authority over existing land uses (more precisely, areas "already devoted to incompatible uses"). Compatibility planning boundaries, though, should cover all of an airport's influence area, including portions which are already developed. Existing development which is incompatible becomes a nonconforming use with respect to ALUC criteria. Any redevelopment of these areas would be subject to ALUC policies.

Pages 1-3, 3-17 through 3-21

Project Reviews

➤ **What factors should ALUCs examine when reviewing county and city general plans for consistency with the compatibility plan?**

ALUCs should carefully review not only the general plan itself, but also any associated ordinances and regulations which set forth implementation measures in greater detail. ALUCs should recognize that, once they concur that a county or city general plan is consistent with the compatibility plan, subsequent individual development proposals which are consistent with the general plan are not subject to mandatory ALUC review.

Page 4-16
General Plan Consistency Checklist: Table 5A, page 5-5

For additional guidance see:

GENERAL GUIDANCE

Page Summary-3
- This table provides basic guidance for establishment of airport land use compatibility zones and associated criteria. The general bounds of appropriate compatibility measures are outlined. However, unquestioning adherence to this guidance is neither intended nor expected—rather than being a state mandate, the guidance should be regarded as a starting point for development of policies best suited to individual airports and communities.

Page 3-9
- The following guidance separately addresses noise, overflight, safety, and airspace protection compatibility concerns. Some ALUCs establish zones and criteria representing combinations of these concerns. Separate and composite formats are both acceptable.

NOISE

Basis for Compatibility Zone Delineation

Pages 3-2, 6-22
- Compatibility zones normally utilize Community Noise Equivalent Level (CNEL) contours created with FAA Integrated Noise Model (INM) or, for military airports, U.S. Air Force NOISEMAP model.

Page 7-18
- Compatibility plans should be based upon the noise contours for the time frame that results in the greatest noise impacts. Usually, this time frame is the long-range future (at least 20 years), but sometimes can be the present or a combination of the two. Also, for busy airports, the capacity of the runway system may be the best representation of potential long-range future activity levels.

Pages 7-19, 7-30
- Noise contours usually represent an average day of the year. For airports with distinct seasonal or even daily variations in activity, analysis of additional scenarios may be appropriate.

Page 6-30
- Because of the many variables and assumptions involved in noise contour calculation, particularly projected contours, their precision typically is in the range of ±1 dB to ±3 dB. Precision diminishes with increased distance from the runways.

Suggested Compatibility Criteria

Pages 3-3, 7-23
Normalization Factors: Table 7B, page 7-26
Noise Criteria Options: Table 7C, page 7-29
- The noise level considered acceptable for new development varies from one community to another. Noise criteria therefore need to be adjusted or normalized to reflect the characteristics of a particular community.
  - CNEL 65 dB is not an appropriate criterion for new residential development around most airports, especially those which are primarily general aviation facilities.
  - CNEL 60 dB, or in some locations, even CNEL 55 dB may be more appropriate for land use planning purposes.

Pages 7-7, 7-34
- For residences, the standard for interior noise levels due to exterior noise sources should be CNEL 45 dB or lower.

Page 7-35
- Sound insulation should not be regarded as a mitigation measure which allows noise-sensitive land uses to be developed in areas of high noise exposure—it is not a substitute for good land use compatibility planning. Nevertheless, in some circumstances—infill or redevelopment, for example—new construction may be unavoidable in areas where noise exposure is high.
  - The need for sound insulation of new structures should be evaluated wherever exterior noise levels exceed CNEL 60 dB.
  - In any situation where sound insulation is required as a condition for development approval, ALUCs should require that an avigation easement be dedicated to the airport proprietor.
  - In no case should residential or other noise-sensitive land uses be approved within an airport's current or future CNEL 65 dB contour unless an avigation easement addressing noise impacts is dedicated to the airport proprietor.

TABLE S-1

Summary of Suggested Compatibility Criteria

For additional guidance see:

OVERFLIGHT

Basis for Compatibility Zone Delineation

Pages 3-3, 7-34

- The area of concern encompasses locations where frequent aircraft overflights can result in annoyance and complaints on the part of some residents.
  - At general aviation airports, these locations include areas beneath the standard traffic patterns, portions of the pattern entry and departure routes flown at traffic pattern altitude, and sometimes additional places which experience a high concentration of overflights. Airspace protection surfaces defined in accordance with FAR Part 77 provide a useful starting point for delineating an overflight zone.
  - At all airports, common instrument arrival and departure routes should also be considered when establishing an overflight zone.

Suggested Compatibility Criteria

Pages 3-25, 7-38

- Measures which alert prospective property buyers to the existence of overflight impacts are appropriate for all parts of the airport influence area.

Page 3-25

- Recording of deed notices describing airport impacts should be required as a condition for development approval anywhere in the airport influence area where avigation easements are not obtained.

Page 3-26

- ALUCs are encouraged to adopt policies defining the area within which information regarding airport noise impacts should be disclosed as part of real estate transactions.

Page 3-25

- Avigation easements also serve a buyer awareness function. However, requirements for their dedication as a condition for development approval should be limited to locations where high noise levels exist or are projected to occur and/or the heights of objects need to be significantly restricted.

SAFETY

Basis for Compatibility Zone Delineation

General aviation aircraft accident database: Appendix F
Air carrier accidents: Figure 8D, page 8-11

- The historical spatial distribution of aircraft accidents for various categories of runways is the primary basis for delineation of safety compatibility zones. The spatial distribution indicates where accidents are most likely to occur when they occur.

Page 9-29
Safety Compatibility Zone Examples: Figures 9K, 9L, pages 9-38, 39, 40
Adjustment Factors: Table 9A, page 9-41

- Safety compatibility zones must take into account the type of aircraft usage, flight procedures, and other operational characteristics particular to each runway end. The examples provided in Chapter 9 are a starting point for this process. In many cases, a combination of the shapes and sizes from different examples may be appropriate.

Page 9-37

- Adjustment of safety compatibility zones in response to existing urban development patterns may be reasonable in locations where safety concerns are moderate to low. However, care must be taken in making adjustments in critical locations close to runway ends—it is better for existing development to be deemed nonconforming if it is indeed incompatible with airport activity.

TABLE S-1 *CONTINUED*

For additional guidance see:
Pages 9-35, 9-42

Suggested Compatibility Criteria

➤ The definition of safety compatibility criteria must be done in unison with the delineation of safety compatibility zones. Changes to one of these two components may also necessitate changes to the other.

Pages 3-6, 9-42
Basic Safety Compatibility Qualities: Table 9B, page 9-44
Safety Compatibility Criteria Guidelines: Table 9C, page 9-47

➤ The principal safety compatibility strategy is to limit the number of people (residential densities and nonresidential intensities) in the most risky locations near airports. Additionally, certain types of highly risk-sensitive uses (schools and hospitals, for example) should be avoided regardless of the number of people involved. Specific suggested criteria are included in Chapter 9.

Pages 3-6, 9-53

➤ To enhance the chances for survival of aircraft occupants in the event of an emergency off-airport landing, preservation of open land near airports is a desirable safety compatibility objective. Guidelines regarding the characteristics of useful open land and the amount which should be preserved are provided in Chapter 9.

AIRSPACE PROTECTION

Pages 3-7, 9-5, 9-56

Basis for Compatibility Zone Delineation

➤ The locations within which limits on the heights of structures and other objects are necessary in order to protect airport airspace should primarily be defined in accordance with Federal Aviation Regulations (FAR) Part 77. Additional consideration may need to be given to airspace critical to certain components of instrument approach procedures, particularly approaches not aligned with the runway, circle-to-land procedures, and missed approaches.

Pages 3-8, 9-6, 9-56

➤ Zones defining where other hazards to flight, especially bird strikes, are a concern should be established in accordance with FAA criteria.

Pages 3-8, 9-6, 9-56

Suggested Compatibility Criteria

➤ FAR Part 77 provides the basic guidance for restrictions on the heights of objects near airports. Allowances need to be made for areas of high terrain. Also, heights associated with normal use of a property generally should be permitted unless avigation easements are obtained.

Page 9-6

➤ FAA aeronautical studies conducted in accordance with FAR Part 77 are concerned only with airspace hazards, not hazards to people and property on the ground. An FAA determination of "no hazard" says nothing about whether the proposed construction is compatible with airport activity in terms of safety and noise impacts.

Pages 3-8, 9-6, 9-56

➤ Land uses which produce increased attraction of birds should be avoided in accordance with FAA standards. Activities likely to create visual or electronic hazards to flight (distracting lights, glare, interference with aircraft instruments or radio communication) also should be prevented.

TABLE S-1 *CONTINUED*

➤ **How late into the approval process of individual development proposals can ALUCs still review a project?**

ALUC involvement in approval of a development proposal is generally most effective when it begins early—ideally with review of the general plan. ALUCs, though, have the authority to get involved even relatively late in the development approval process. Case law has established that a development does not need to be completed in order to be considered devoted to the use. In general, a vacant property should be considered devoted to a particular use only when all discretionary local government approvals have been issued and only ministerial approvals remain. Because ALUCs have some leeway with regard to what they deem to comprise existing development for compatibility planning purposes, compatibility plans should include a definition of the term.

For further details, refer to the following statutes and pages of this *Handbook*:

Page 3-19

➤ **What are ALUC responsibilities with respect to review of airport development?**

ALUCs are required to review plans for airport development—especially airport master plans—before the plans are adopted by the airport proprietor. The primary focus of such reviews is on proposed airport features which can have off-airport land use compatibility implications. Any proposed nonaviation development on airport property should be reviewed against the same criteria that would apply if the site were off airport. If an ALUC finds the airport plan to be inconsistent with its own plan, the ALUC has the option of revising its plan. If the ALUC chooses not to modify its plan and the airport plan thus remains inconsistent, the airport proprietor can adopt the airport plan only by taking the steps necessary to overrule the ALUC.

PUC Section 21676(c)
Pages 4-7, 4-11, 4-19

➤ **Can ALUCs make exceptions to their own policies?**

Establishment of compatibility policies addressing every possible land use development circumstance is infeasible. In adopting compatibility policies, ALUCs should allow themselves some degree of flexibility to consider the specific circumstances involved. When evaluating specific projects, ALUCs are sometimes faced with the need to find an otherwise incompatible development to be acceptable. Infill development is an example of such a situation. Special sound insulation requirements, dedication of avigation easements, and other such measures may be appropriate as mitigation for allowing the development to proceed. Most important, when allowing for unique circumstances or otherwise making exceptions to established compatibility criteria, ALUCs need to ensure that the basic objectives of their plan and the integrity of the compatibility planning process set forth in the Aeronautics Act are maintained.

Pages 3-22, 3-32, 4-14

GUIDANCE FOR LOCAL LAND USE JURISDICTIONS

General Plan Consistency Requirements

➤ **What options does a county or city have with respect to the requirement for consistency between its general plan and the ALUC's compatibility plan?**

For further details, refer to the following statutes and pages of this *Handbook*:

PUC Section 21676.5(a)
Page 5-1

The need to respond to an ALUC's adoption or amendment of a compatibility plan cannot simply be ignored. Local jurisdictions must either make their general plans and affected specific plans consistent with the compatibility plan or take the steps necessary to overrule the ALUC. Until such time as one of these actions has been taken, the county or city must cooperate with any ALUC request to submit for review all or selected land use actions, regulations, and permits affecting the airport influence area. A local jurisdiction's silence can be interpreted as acceptance of the compatibility criteria which the ALUC has set forth.

➤ **What constitutes consistency between a general plan and an ALUC's compatibility plan?**

Pages 4-16, 5-3;
General Plan Consistency Checklist: Table 5A, page 5-5

Consistency does not require being identical. It means only that the concepts, standards, physical characteristics, and resulting consequences of a proposed action must not conflict with the intent of the law or the compatibility plan to which the comparison is being made. To be fully consistent with the compatibility plan, a general plan:

- Must not have any direct conflicts with the compatibility plan; and
- Must delineate a mechanism or process for ensuring that individual land use development proposals comply the ALUC criteria.

➤ **In what forms can compatibility policies be incorporated into local jurisdiction plans?**

Page 5-3

Several different strategies for achieving full general plan consistency are available to counties and cities. These include:

- Incorporating policies into existing general plan elements;
- Adopting a general plan airport element;
- Adopting the compatibility plan as a specific plan;
- Adopting the compatibility plan as a stand-alone document; or
- Adopting an airport combining district or overlay zoning ordinance.

➤ **In lieu of amending its general plan, can a county or city continue to submit land use development proposals for ALUC review?**

PUC Section 21676.5(b)
Pages 4-9, 5-3

At a minimum, direct conflicts between the ALUC and local jurisdiction plans must be eliminated. If the local jurisdiction then chooses not to fully incorporate the compatibility criteria and review processes into its own policies, it can continue to submit individual land use development actions to the ALUC for review. Unlike with actions submitted voluntarily, however, ALUC reviews under these circumstances are not merely advisory—in the event of a disagreement with the ALUC, the local jurisdiction can approve the project only by taking the steps necessary to overrule the commission.

➤ **Can the 180-day statutory time limit for making general plans consistent with the compatibility plan be extended?**

Government Code Section 65302.3
Pages 4-6, 5-2

ALUCs have no authority to modify this time limit. They can, however, agree not to bring action against local governments for taking extra time. Any such agreement should be predicated upon the local agency making substantial progress toward the necessary plan changes and not simply ignoring the need to act.

➤ **What steps must a local jurisdiction take in order to overrule an ALUC?**

The overruling process involves three mandatory steps:

- Holding of a public hearing;
- Making specific findings that the action proposed is consistent with the purposes of the ALUC statute; and
- Approval of the proposed action by a two-thirds vote of the agency's governing body.

Detailed findings are critical to this process. According to case law and the Governor's Office of Planning and Research, the findings cannot merely be a restatement of the law—they must demonstrate how the decision-makers arrived at their decision based upon the facts and established policies before them.

For further details, refer to the following statutes and pages of this *Handbook*:

PUC Sections 21675.1(d), 21676, 21676.5(a)
Page 5-15
OPR, "Bridging the Gap: Using Findings in Local Land Use Decisions" (1989)

Submittal of Projects for ALUC Review

➤ **Which types of land use development actions must be submitted to the ALUC for review?**

Certain types of land use actions *must* be submitted to the ALUC for review *prior* to final approval by the local jurisdictions. These actions include adoption or amendment of a general plan, specific plan, zoning ordinance, building regulations, or other land use ordinance or regulation which affects land within an airport area of influence as defined by the ALUC. The impetus for referral of a general plan or specific plan to the ALUC may come from either of two situations:

- A proposal initiated by the local jurisdiction to adopt or amend an affected plan; or
- The requirements for the local jurisdiction's plans to be reviewed for consistency with an ALUC's newly adopted or amended compatibility plan.

PUC Section 21676(b)
Pages 4-6, 5-10

➤ **What other types of land use development actions are also potentially subject to ALUC review?**

Once a local jurisdiction's general plan has been made fully consistent with the compatibility plan, referral of individual development proposals is voluntary and the ALUC review is advisory (in the event of a disagreement with the ALUC, overruling is not required). If the general plan has not been made fully consistent and the local jurisdiction has not overruled the ALUC, then the ALUC can require that "all actions, regulations, and permits" involving land uses in the vicinity of the airport be submitted for review. In this case, the ALUC review is not merely advisory. Note that, even on an advisory basis, many types of development projects would benefit from ALUC expertise and local jurisdictions are encouraged to continue to submit these actions if requested by the ALUC.

PUC Sections 21676.5(a), 21676.5(b)
Pages 4-8, 5-10

➤ **What obligations do local jurisdictions have with regard to approval of projects for which ALUC review is not required?**

Once a county's or city's general plan has been deemed consistent with the compatibility plan, the burden of ensuring that individual development proposals are compatible with airport activities rests with the local

Pages 4-9, 5-13

For further details, refer to the following statutes and pages of this *Handbook*:

jurisdiction. This obligation exists even if the general plan and associated ordinances and regulations do not restate or reference the ALUC criteria and procedures (as they must if they are to be fully consistent). Unless the local jurisdiction has overruled the ALUC, the applicable compatibility criteria in either situation are the ones adopted by the ALUC.

➤ **What are a local jurisdiction's obligations for ensuring airport land use compatibility when there is no ALUC?**

Page 5-13

Counties and cities are responsible for ensuring compatibility between airports and their environs regardless of whether an ALUC exists. The function of ALUCs is primarily one of oversight, not final approval. Under the alternative process, affected jurisdictions must adopt compatibility criteria in some form and also implement procedures by which individual development proposals are reviewed against these criteria. Even counties which have declared themselves exempt because there are no airport-related noise or safety compatibility issues must continue to take appropriate actions to ensure that such issues do not arise.

GUIDANCE FOR AIRPORT PROPRIETORS

➤ **What types of airport development projects must be submitted to the ALUC for review?**

PUC Sections 21676(c), 21661.5, 21664.5
Pages 4-7, 4-11, 5-11

Before a public agency which owns an airport adopts or modifies a master plan for the airport, the plan must be submitted to the ALUC for review. Also required to be submitted are construction plans for new airports and expansion plans for existing airports to the extent that the expansion involves a new runway, runway extension or realignment, or acquisition of property for these purposes. Proposals for nonaviation development of airport property are another type of airport development subject to ALUC review. Preferably, the characteristics of such development should be indicated in the airport master plan and reviewed as part of the master plan review. In all of these instances, if the ALUC finds the proposed plan or project inconsistent with its compatibility plan, the airport proprietor can adopt the plan or approve the project only by taking the steps necessary to overrule the ALUC.

➤ **What responsibilities do airport proprietors have for ensuring that the uses of land near airports are compatible with airport activity?**

Page 5-20

Land use compatibility policies adopted by ALUCs and the general plans and zoning ordinances adopted by local agencies can only go so far to ensure that privately owned property is used in a manner which is compatible with airport activities. In locations which are particularly critical to the airport—especially runway protection zones and other areas exposed to high noise levels or requiring significant limitations on the heights of objects—airport proprietors should consider acquisition of fee title or avigation easements.